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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,178	08/02/2001	Craig Lewis	52646-00408USPT	7529

26231 7590 07/25/2005

FISH & RICHARDSON P.C.
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SUITE 5000
DALLAS, TX 75201

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,178

Applicant(s)

LEWIS, CRAIG

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 11-15, 17, 18, 22-24, 26, 27 and 30 is/are rejected.
- 7) ☐ Claim(s) 4, 7, 8, 10, 16, 19-21, 25, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated May 12, 2005 with the amendments to claims 1, 13 and 24. Claims 1-30 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5, 9, 12-15, 17, 23-24 and 26 have been considered but are moot in view of the new ground(s) of rejection. Applicants arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Arnold et al. (6,601,175), Challener et al. (6,718,468), Thompson et al. (6,725,382), Henn et al. (2004/0139349) and Warn (5,270,943).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 9, 12-13, 17, 24, 23 and 26 are rejected under 35 U.S.C. 102(e) as being unpatentable over Arnold et al. (6,601,175) in view of Challener et al. (6,718,468).

a) As to claims 1, 13 and 24, Arnold discloses a method and system for providing password protection for data processing system through the use of limited-use machine-specific passwords comprising generating a password in response to an occurrence of a prescribed password generation event (Fig. 5A, element 178); providing the generated password to an operating system security module (Fig. 5A, element 172).

Arnold discloses storing the password for use in connection with a secure operating system login access (col. 7, line 56 to col. 8, line 9), however he does not disclose producing a coded password as a function of the generated password, wherein the generated password can be determined by decoding the coded password and storing the coded password.

Challenger discloses a method and system for providing data security comprising producing a coded password as a function of the generated password (Fig. 2A, element 46; col. 4, lines 42-62); and storing the coded password (col. 4, lines 37-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of producing a coded password as a function of the generated password, wherein the generated password can be determined by decoding the coded password in the system of Arnold as Challenger teaches so as to provide more data security.

b) As to claims 5, 17 and 26, Arnold as modified discloses the prescribed password generation event includes at least one selected from the group consisting of a computer system power up; a computer system re-boot; expiration of a prescribed time

duration from an immediately preceding password generation event; restoration of a security level from a modified security level to a default security level, and occurrence of a secure operating system login access (col. 8, lines 16-17).

c) As to claim 9, Arnold as modified discloses generating the password includes generating the password for a prescribed username (col. 3, lines 33-43).

d) As to claims 12 and 23, Arnold as modified discloses the computer system includes at least one selected from the group consisting of a stand-alone computer system and a stand-alone network of computer systems (Fig.1).

5. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175) in view of Challener et al. (6,718,468) and further in view of Thompson et al. (6,725,382).

Arnold and Challener do not disclose overwriting a previously generated password or previously stored coded password.

Thompson discloses a security mechanisms for thwarting theft or unauthorized access of devices and particularly to password mechanisms comprising overwriting any previous value of password (col. 6, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of overwriting previous value of password as Thompson teaches in the system of Arnold and Challener so as to maintain the updated password.

6. Claims 6, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175), in view of Challener et al. (6,718,468) and further in view of Henn et al. (2004/0139349).

Arnold and Challener do not disclose the modified security level of a password generation event.

Henn discloses a method and system for secure pervasive access comprising a change in the security level of a certain application without changing the application function to be accessed (page 2, paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of changing in the security level within the application as Henn teaches in the system of Arnold and Challener so as to protect the security of the system.

7. Claims 11, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175) in view of Challener et al. (6,718,468) and further in view of Warn (5,270,943).

Arnold and Challener do not disclose the dedicated application includes a point of sale application in a fuel dispensing environment.

Warn discloses a system for controlling fuel dispensers through a PC-based point of sale application software (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of point of sale application in a fuel dispensing as Warn

teaches in the system of Arnold and Challener so as to integrate pump control with other features (Abstract).

Allowable Subject Matter

8. Claims 4, 7-8, 10, 16, 19-21, 25 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
7/15/05

Matthew Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137